

REMARKS

Claim 11 stands rejected for informalities. Claims 1-12, 14, and 16-32 stand rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent Number 6,978,282 to Dings (hereinafter “Dings”). Claims 13 and 15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Dings in view of United States Patent Number 6,959,369 to Ashton (hereinafter “Ashton”).

For the Examiner’s convenience and reference, Applicants’ remarks are presented in substantially the same order in which the corresponding issues were raised in the Office Action. Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references.

Applicants have amended independent claims 1, 11, 17, 20, 30, 31, and 32 with the limitations of claims 2-4 and 21-23. Specifically, claim 1 is amended with the limitations of claim 2-4, claims 11 and 17 are amended with limitations of claims 1-4, and claims 20 and 30-32 are amended with the limitations of claims 21-23. Claims 2-4 and 21-23 are canceled

Response to rejections of claims for informalities.

Claim 11 stands rejected for informalities. Applicants have amended claim 11 as suggested by the Examiner to cure the informality.

Response to rejections of claims under 35 U.S.C. § 102.

Claims 1-12, 14, and 16-32 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Dings. Applicants respectfully traverse this rejection.

Claims 1, 11, 17, 20, and 30-32 as amended include the limitation of "...breaking a copy pair for a removed source volume present in the current replication record, but not present in the new replication record..." Claim 20 as amended. See also claims 1, 11, 17, and 30-32. Dings does not teach breaking a copy pair for a removed source volume. Applicants therefore submit that claims 1, 11, 17, 20, and 30-32 are allowable as Dings does not teach each element of the claims. Applicants further submit that claims 5-10, 12, 14, 16, 18, 19, and 24-29 are allowable as depending from allowable claims. Claims 2-4 and 21-23 are canceled.

Response to rejections of claims under 35 U.S.C. § 103(a)

Claims 13 and 15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Dings in view of Ashton. Applicants submit that claims 13 and 15 are allowable as depending from allowable claims.

Should additional information be required regarding the traversal of the rejections of the claims enumerated above, Examiner is respectfully asked to notify Applicants of such need. If any impediments to the prompt allowance of the claims can be resolved by a telephone conversation, the Examiner is respectfully requested to contact the undersigned.

Respectfully submitted,

/Brian C. Kunzler/

Brian C. Kunzler
Reg. No. 38,527
Attorney for Applicant

Date: December 21, 2006
8 East Broadway, Suite 600
Salt Lake City, UT 84111
Telephone (801) 994-4646
Fax (801) 531-1929